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UNITED STATES DISTRICT COURT

NORTHERN DISTRICT OF CALIFORNIA - SAN JOSE DIVISION

ELIZABETH TREVINO and YADIRA RIOS, on
behalf of themselves and all others similarly
situated

Plaintiffs,

v.

ACB AMERICAN, INC., HILCO
RECEIVABLES, LLC, B. MASTERS, and K.
FRANCIS

Defendants.

Case Nos.: C05 00239 JF (HRL)
C05 05001 JF

**REQUEST TO CONTINUE DATE FOR
MAILING OF CLASS NOTICE AND
[PROPOSED] ORDER**

SHERYL MCGRADY, on behalf of herself and
all others similarly situated

Plaintiff,

v.

ACB AMERICAN, INC., RANDALL DUNN,
and DALTON VANN

Defendants.

In conjunction with the settlement of this class action, on November 17, 2006, during the hearing on preliminary approval of the class settlement, the Court set a deadline to mail class notice by December 15, 2006. This order was not confirmed in the written order signed by the Court. Class notice will be mailed to approximately 20,000 people. Given the number of class members involved, the class administrator has informed defense counsel that it cannot mail class notice by the December 15, 2006 deadline set by the Court. The parties are in the process of approving the class notice

1 prepared by the class administrator (in the form approved by the Court). It is hoped that the form of
 2 the class notice will be approved by December 15, 2006. At that time, the class administrator will
 3 need to print approximately 20,000 class notices; fold 20,000 class notices; affix postage to 20,000
 4 class notices, and mail the notices. Given the quantity of class notices, defendants request that the
 5 Court extend the class notice mailing deadline to December 22, 2006.
 6

7 Defense counsel has raised this issue with plaintiffs' counsel several times this past week
 8 immediately when the class administrator raised it with defense counsel. Plaintiffs' counsel has not
 9 responded to requests for a joint request, but defense counsel believes that the request will not be
 10 opposed.
 11

12 If the mailing date for class notice changes to December 22, 2006, then the opt-out date/return
 13 date for claims forms must also change, to February 5, 2007. Defendant counsel does not believe that
 14 these changed deadlines will result in a need to change the hearing date for final approval of the class
 15 settlement, currently set for February 23, 2007.

16 Dated: December 14, 2006.

ELLIS, COLEMAN, POIRIER, LAVOIE &
 STEINHEIMER LLP

18 /s June D. Coleman

June D. Coleman
 Attorney for Defendant
 ACB AMERICAN, INC., HILCO
 RECEIVABLES, LLC, D. VANN, and R. DUNN

21 GOOD CAUSE EXISTING, IT IS SO ORDERED that the deadline for mailing class notice
 22 will be extended to December 22, 2006, and the deadline for opting out or returning a claims for shall
 23 be extended to February 5, 2007.

24 DATED: 12/18/06

25 
 United States District Court Judge Jeremy Fogel